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ROBERT M BAUER, ESQ. LACKENBACH SIEGEL, LLP 1 CHASE ROAD SCARSDALE, NY 10583			EXAMINER MOORE, IAN N	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 09/758,267	Applicant(s) FACCINN ET AL.	
	Examiner Ian N. Moore	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-19, 22, 24-32, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8-19, 22, 24-30, 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 38 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 38 is objected to because of the following informalities: *(note- this issued has been raised in previous office action)*.

Claim 38 recites, “**include the charging identification the call records**” in line 8. It is suggest to revise by inserting “in” or equivalent thereof between “the charging identification” and “the call records”.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102 (b)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 38 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Kari (WO 97/26739).

Regarding claim 38, Kari discloses a network element for use in coordinating charging information (see FIG. 1, SGSN or GGSN), the network element being configured to:

create call records (see page 9, line 15-20; collects charging information) and a charging identification (see col. 9, line 15-34; IMSI ID of MS) for use in one of an application layer network (see FIG. 1, a combined system of near end MS, MSC, GGSN, SGSN, HLR Internet and far end MS, which provides a application layer networking for user equipment) or a transport

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layer network for a communication network (see FIG. 1, a combined system of near end MS, BSC, MSC, SGSN, GGSN, Internet, and far end MS which provides transport layer networking) having a billing system (see FIG. 1, BC, Billing Center), wherein a first connection is established in the application layer network by a user equipment (see FIG 1, setting up a connection/call by the near end MS, at the application layer, via MSC to communicate with far end MS at the application layer in the GSm/GPRS network; see page 5, line 1-29) using a call control protocol (see page 5, line 1 to page 6, line 30; establishing connection according to GSM/GPRS PDP context call controlling/managing rule/protocol) and a second connection is established in the transport layer network by said user equipment (see FIG. 1, once near end MS set up the application layer, a transport layer must be also set up for transport connection by the near end MS to communicate with far end MS; see page 5, lines 1-29);

include the charging identification the call records thereof (see page 9, lines 14--35; note that charging information include mobile IMSI ID) and

send said call records to said billing system (see FIG. 1, charging information are sent to BC), for sending said charging identification (see FIG. 1, sending IMSI ID of charging information) from said network element (see FIG. 1, GGSN or SGSN) so as to be used by a further network element (see FIG. 1, BGGSN) in the other one of the application layer network or the transport layer network (see page 9-10, line 30 to page 11, line 10; see FIG. 1, application layer or Transport Layer GPRS network), to enable charging information for the elements to be coordinated (see page 9-10, line 30 to page 11, line 10; a combined system of BGGSN and BC coordinates/associates the /charging information from GGSN and SGSN nodes);

Regarding claim 39, Kari discloses a network element for use in coordinating charging information (see FIG. 1, BGGSN), the network element being configured for use in one of one of the application layer network (see FIG. 1, a combined system of near end MS, MSC, GGSN, SGSN, HLR Internet and far end MS, which provides a application layer networking for user equipment) or transport layer network (see FIG. 1, a combined system of near end MS, BSC, MSC, SGSN, GGSN, Internet, and far end MS which provides transport layer networking) having a billing system (see FIG. 1, BC, Billing Center) for the communication network wherein a first connection is established in the application layer network by a user equipment (see FIG 1, setting up a connection/call by the near end MS at the application layer, via MSC, to communicate with far end MS application layer in the GSm/GPRS network; see page 5, line 1-29) using a call control protocol and a second connection is established in the transport layer network by said user equipment (see FIG. 1, once the application layer is set up a transport layer must be set up for transport connection by the near end MS to communicate with far end MS; see page 5, lines 1-29), said network element being configured to:

create call records (see page 9, line 15-20; collects charging information) for said second connection in said transport layer network (see col. 4, lines 19-50; note that charging information is generated at BGGSN in a combined system of near end MS, BSC, MSC, SGSN, GGSN, Internet, and far end MS which provides transport layer networking (see FIG. 1));

send said call records to said billing system (see FIG. 1, BC, Billing Center; sends charging information to BS; see page 9, line 5 to page 11, line 5), and

receives said charging identification from a further network (see FIG. 1, SGSN/GGSN) operable in the other one of the application layer network or transport layer network (see page 9-

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10, line 30 to page 11, line 10; see FIG. 1, application layer or Transport Layer GPRS network), to enable charging information for the elements to be coordinated (see page 9-10, line 30 to page 11, line 10; a combined system of BGGSN and BC coordinates/associates the /charging information from GGSN and SGSN nodes).

Second Rejection

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deakin (US006463275B1) and further in view of Cobo (U.S. 6,496,690).

Regarding claim 38, Deakin discloses a network element for use in coordinating charging information (see FIG. 1, SGSN/GGSN; FIG. 2, NE 1 or NE 2), the network element being configured to:

create call records (see col. 3, line 30-35; creating/generating call detailed records) and a charging identification (see col. 4, lines 19-50; BCI, Bill Class Identifier; note that call records and BCI is generated at the NEs when the connection is requested/initiated for billing/charging) for use in one of an application layer network (see FIG. 1, a combined system of near end TE, MSC/VLR, HLR, and far end TE, which provides a application layer networking for user equipment) or a transport layer network for a communication network (see FIG. 1, a combined

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system of near end TE, BSS, SGSN, GGSN, PDN network, and far end TE which provides transport layer networking) having a billing system (see FIG. 1, Charging gateway function; or see FIG. 2, a combined of Billing systems and charging gateway), wherein a first connection is established in the application layer network by a user equipment (see FIG 1, setting up a connection/call by the near end TE at the application layer, via MSC to HLR, to communicate with far end TE application layer) and a second connection is established in the transport layer network (see FIG. 1, once the application layer is set up, a transport layer must be also set up for transport connection by the near end TE to communicate with far end TE; see FIG. 7, subscriber initiates request service for connections; see col. 4, lines 50-54);

include the charging identification the call records thereof (see col. 3, lines 33-36; note that Call Detailed Records, CDR includes BCI) and

send said call records to said billing system (see col. 3, lines 25-37; note that CDR with BCI is send from NE to a combined charging and billing system), to enable charging information for the elements to be coordinated (see FIG. 7, the combined charging and billing system coordinates/associates the billing/charging information by using BCI included in CDR of the nodes; see col. 3, line 30-64; see col. 4, lines 14-55).

Deakin does not explicitly disclose a call control protocol, means for sending said charging identification from said network element so as to be used by the further network element.

However, a call control protocol is well known in the art in order to establish an end-to-end call. In particular, Cobo teaches a call control protocol (see col. 4, line 35-65; see col. 6, line 30-35; see col. 7, line 43-50; establishing connection according to GSM/GPRS PDP context call

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controlling/managing rule/protocol), sending said charging identification (see FIG. 4, subsequent create PDP context request 83; see FIG. 5 and 6B, Charging ID of the PDP context message 70 and 83) from said network element (see FIG. 4, SGSN 12) so as to be used by the further network element (see FIG. 4, GGSN 25; see col. 3, line 55-65; see col. 7, lines 43-59; 64-67) in the other one of the application layer network or the transport layer network (see FIG. 1, application layer or Transport Layer GPRS network), to enable charging information for elements to be coordinated (see col. 7, line 46 to col. 9, line 65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a call control send and sending charging ID to GGSN node, as taught by Cobo in the system of Deakin, so that it would provide a standardized method of providing a near real time account balance for subscriber's account and stopping the service when the balance reaches to zero; see Cobo col. 2, line 5-14, 15-56; see col. 3, lines 34-39.

Regarding claim 39, Deakin discloses a network element for use in coordinating charging information (see FIG. 1, SGSN/GGSN; FIG. 2, NE 1 or NE 2), the network element being configured for use in one of one of the application layer network (see FIG. 1, a combined system of near end TE, MSC/VLR, HLR, and far end TE, which provides a application layer networking for user equipment) or transport layer network (see FIG. 1, a combined system of near end TE, BSS, SGSN, GGSN, PDN network, and the transport layer of far end TE which provides transport layer networking) having a billing system (see FIG. 1, Charging gateway function; or see FIG. 2, a combined system of Billing systems and charging gateway) for the communication network wherein a first connection is established in the application layer network (see FIG 1, setting up a connection/call by the near end TE at the application layer, via MSC to

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HLR, to communicate with far end TE application layer) using a call control protocol and a second connection is established in the transport layer network (see FIG. 1, once the application layer is set up, a transport layer must be also set up for transport connection by the near end TE to communicate with far end TE; see FIG. 7, subscriber initiates request service for connections; see col. 4, lines 50-54), said network element being configured to:

create call records (see col. 3, lines 30-36; creating/generating Call Detailed Records) for said second connection in said transport layer network (see col. 4, lines 19-50; note that call records is generated at the NEs when the connection is requested/initiated for billing/charging in a combined system of near end TE, BSS, SGSN, GGSN, PDN network, and the transport layer of far end TE which provides transport layer networking (see FIG. 1));

send said call records to said billing system (see col. 3, lines 25-37; note that call records are send from NE to Charging gateway so that charging gateway can be used the BCI for billing), and to enable charging information to be coordinated (see FIG. 7, the charging gateway coordinates/associates the billing/charging information by using CDR of the nodes; see col. 3, line 30-64; see col. 4, lines 14-55).

Deakin does not explicitly disclose receives said charging identification from a further network.

However, Cobo teaches receives said charging identification (see FIG. 4, receiving subsequent create PDP context request 83; see FIG. 5 and 6B, Charging ID of the PDP context message 70 and 83) from a further network element (see FIG. 4, SGSN 12); see col. 3, line 55-65; see col. 7, lines 43-59; 64-67) operable in the other one of the application layer network or

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the transport layer network (see FIG. 1, application layer or Transport Layer GPRS network), to enable charging information for elements to be coordinated (see col. 7, line 46 to col. 9, line 65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a receiving charging ID from SGSN node, as taught by Cobo in the system of Deakin, so that it would provide a standardized method of providing a near real time account balance for subscriber's account and stopping the service when the balance reaches to zero; see Cobo col. 2, line 5-14, 15-56; see col. 3, lines 34-39.

Allowable Subject Matter

6. Claims 1-6,8-19, and 22-32 are allowed.

Response to Arguments

7. Applicant's arguments with respect to **claims 38-39** have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 38-39, the applicant argued that, "...In Deakin, the same user does not establish two connections as recited in amended claims...the rejection itself refers to a "near end TE" and a "far end TE" as two different terminal equipments...Deakin does not have one connection in a transport layer network and another connection in an application layer network...There is simply no indication that the GGSN or SGSN in Deakin generates the BCI...BCI is not used to coordinate charging information between a transport layer network and an application layer network..." in pages 10-12,14.

In response to applicant's argument, the examiner respectfully disagrees that the argument above. Deakin discloses a mobile station (see FIG. 1, TE; see FIG. 2, MS) initiating a first connection is established in the application layer network by a user equipment (see FIG 1, setting up a connection/call by the near end TE at the application layer, via MSC to HLR, to communicate with far end TE application layer) and a second connection is established in the transport layer network (see FIG. 1, once the application layer is set up, a transport layer must be also set up for transport connection by the near end TE to communicate with far end TE; see FIG. 7, subscriber initiates request service for connections; see col. 4, lines 50-54).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “what consists an application layer network and a transport layer network”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant repeatedly argues the broadly claimed limitation “an application layer network”, “a transport layer network”, “a first connection in a application layer network”, and “a second connection in a transport layer network”, yet none of the claims clearly and positively recites what is “an application layer network” or “a transport layer network”. Moreover, applicant repeatedly argues setting a first and second connections over those networks, again none of claims clearly and positively recites how theses connection are setup over undefined networks. One skilled in the ordinary art would clearly see that GPRS communication from a mobile to the network, there must be application layer

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connection (to transmit user traffic) and a transport layer connection (to transmit signaling/control for transport). Thus, applicant argument is irrelevant since no specificity of an application layer network”, “a transport layer network”, “a first connection in a application layer network”, and “a second connection in a transport layer network” are being claimed.

Moreover, it is well established in the art of GSM/GPRS standards that when a user initiates the call/connection, it is initiating a connection in the application layer by a near end user equipment/station to far end user equipment, which is examiner asserts that a first connection. Once a first connection between application layer set by a near end user equipment/station between two stations is set up, then a near end user equipment/station set up a transport layer for transport layer connection between two stations, otherwise it would very impossible to transmit the call in GPRS standards/architecture (see Deakin col. 1, line 53-62; see col. 3, line 15-20). In order to show the evidence of well known GPRS architecture/standard, examiner has cited a prior art reference Forslow (US006608832B2) clearly discloses above well established an application layer connection and transport protocol layer connection in the GPRS network (see FIG. 3,5,7; entire patent).

Moreover, examiner **the examiner respectfully disagrees** with the applicant argument that a single user does not establish two connections since there are two equipments. It is clear that a “single” mobile station must establish both an application connection at the application layer and a transport connection at the transport layer, so that the application data traffic (e.g. voice or packets) can be transported. Similar scenario occurs at the far end “single mobile station” as well. One skilled in the art will clearly see this well known prior art concept in view

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of seven layers OSI model (see attach), or GPRS standard protocol model (see Forslow above).

Thus, it is clear that Deakin clearly discloses the argued claimed invention.

create call records (see col. 3, line 30-35; creating/generating call detailed records) and a charging identification (see col. 4, lines 19-50; BCI, Bill Class Identifier; note that call records and BCI is generated at the NEs when the connection is requested/initiated for billing/charging)

Deakin discloses creating call records (see col. 3, line 30-35; **creating/generating call detailed records (CDR)**) and a charging identification (see col. 4, lines 19-50; BCI, Bill Class Identifier in included in CDR) in a first network element (see FIG. 1, GGSN or SGSN; see FIG. 2, NE2; see col. 3, lines 24-33; note that CDR (with BCI) is generated/created at the NEs when the connection is requested/initiated for billing/charging).

Deakin's col. 3, line 24-26, 34-36 discloses as follows:

The diagram in FIG. 2 shows the basic architecture of a **CDR (Call detail Record) generating network element...The network element NE2 passes call detail records (CDRs) with billing class identifiers (BCI) to a charging gateway**, which directs CDRs having appropriate billing class identifiers (in this example with BCIs of 1, 2 and 3) to respective billing systems (shown as A, B and C)...(Emphasis added)

Thus, by viewing FIG. 2 and as set forth above, one can **clearly** see that NE 1 and NE 2 (i.e. GGSN and SGSN) "generate/create" CDR which include BCI.

Deakin discloses coordinating charging information in the communications network using said charging identification included in the call records of said first and second network elements (see FIG. 7, note that the NE1 and NE2 records usage is forwarded to Charging gateway function (see FIG. 1) or a combined system of Billing systems and charging gateway charging gateway (see FIG. 2), the combined charging and billing systems coordinates/associates the billing/charging information by using BCI included in CDR for each NE; see col. 3, line 30-

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64; see col. 4, lines 14-55). Regarding response on transport layer and application layer networks, please see the above response. Thus, it is clear that the BCI is used to coordinate charging information between transport layer and application layer network.

Regarding claims 38-39, the applicant argued that, "...When the applied references are considered as whole, they do not suggest selectively modifying Deakin to include a small part of Cobo...the Cobo and Deakin patent both identify the same disadvantage in the same prior art and both suggest a solution to it...It would not be obvious to modify the solution set forth in Deakin to include the small portion of the solution set forth in Cobo in the manner evidently proposed in the rejection...the rejection does not establish the Cobo patent sends a charging identifier from an element in one network to an element in the other network..." in pages 13-14

In response to applicant's argument, the examiner respectfully disagrees that the argument above since the combined system of Deakin and Cobo discloses all argued claimed invention.

Cobo teaches a call control protocol (see col. 4, line 35-65; see col. 6, line 30-35; see col. 7, line 43-50; **establishing connection according to GSM/GPRS PDP context call controlling/managing rule/protocol**), sending said charging identification (see FIG. 4, subsequent create PDP context request 83; see FIG. 5 and 6B, **Charging ID of the PDP context message 70 and 83**) from said network element (see FIG. 4, SGSN 12) so as to be used by the further network element (see FIG. 4, GGSN 25; see col. 3, line 55-65; see col. 7, lines 43-59; 64-67) in the other one of the application layer network or the transport layer network (see FIG. 1, **application layer or Transport Layer GPRS network**), to enable charging information for elements to be coordinated (see col. 7, line 46 to col. 9, line 65).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a call control send and sending charging ID to GGSN node, as taught by Cobo in the system of Deakin, so that it would provide a standardized method of providing a near real time account balance for subscriber's account and stopping the service when the balance reaches to zero; see Cobo col. 2, line 5-14, 15-56; see col. 3, lines 34-39.

In response to applicant's argument that it is not obvious, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, examiner is not replacing bodily portions Deakin with Cobo, rather utilizing the "teaching" of Cobo.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

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Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the rejection is based on the combined system of Deakin and Cobo.

Regarding claims 38-39, the applicant argued that, “...applicant respectfully transverse the anticipating rejection on the ground that it fails to establish a prima facie that the Kari include a network element...there is not an application layer network in the GPRS network of Kari...There is not IP-based telephony network in Kari...The billing is done in Kari occurs entirely within the transport layer network...IMSI is merely a known equipment identifier and is not charging identification...IMSI identifier is not created by any of the network elements...IMSI is not used to coordinate charging information between an application layer network and a transport layer network....BGGSN does not perform any coordination of charging information for different network in Kari...” in page 14-16.

In response to applicant's argument, the examiner respectfully disagrees that the argument above.

In response to applicant's argument, examiner is not required to establish a prima facie (for obviousness) since the rejection is based on anticipation (not obviousness).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “**what consists an application layer network and a transport layer network**”, or IP based telephony network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant repeatedly argues the broadly claimed limitation “**an application layer network**”, “**a transport layer network**”,

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“a first connection in a application layer network”, and “a second connection in a transport layer network”, yet none of the claims clearly and positively recites what is “an application layer network” or “a transport layer network”. Moreover, applicant repeatedly argues setting a first and second connections over those networks, again none of claims clearly and positively recites how theses connection are setup over undefined networks. One skilled in the ordinary art would clearly see that GPRS communication from a mobile to the network, there must be application layer connection (to transmit user traffic) and a transport layer connection (to transmit signaling/control for transport). Thus, applicant argument is irrelevant since no specificity of an application layer network”, “a transport layer network”, “a first connection in a application layer network”, and “a second connection in a transport layer network” are being claimed.

Kari discloses a billing system (see **FIG. 1, BC, Billing Center**), wherein a first connection is established in the application layer network by a user equipment (see **FIG 1, setting up a connection/call by the near end MS, at the application layer, via MSC to communicate with far end MS at the application layer in the GSM/GPRS network; see page 5, line 1-29**) using a call control protocol (see page 5, line 1 to page 6, line 30; establishing connection according to GSM/GPRS PDP context call controlling/managing rule/protocol). Thus, it is clear that Kari’s billing done utilizing at the application layer level of application layer network.

Kari discloses in page 9, lines 20-32 as follows:

...transmit the information in data packets corresponds to the protocol (e.g. IP) of the backbone network...The data field of the data packet may contain **the charging information in a suitable format**. The data field may contain **subfields which contain the IMSI**, data amount, and the service type...(Emphasis added)

In accordance with above, Kari clearly discloses, *inter alia*, IMSI (i.e. charging ID), which is used as charging information. Thus, it is also clear that IMSI is asserted/created and used as a “charging information ID” at “a combined system of MS, MSC, GGSN, SGSN, HLR, Internet, far-end MS (i.e. application layer network)” or “a combined system of near-end MS, BSC, MSC, SGSN, GGSN, Internet and far-end MS (i.e. transport layer network)”.

Kari discloses sending said call records to said billing system (see FIG. 1, charging information are sent to BC), for sending said charging identification (see FIG. 1, sending IMSI ID of charging information) from said network element (see FIG. 1, GGSN or SGSN) so as to be used by a further network element (see FIG. 1, BGGSN) in the other one of the application layer network or the transport layer network (see page 9-10, line 30 to page 11, line 10; see FIG. 1, application layer or Transport Layer GPRS network), to enable charging information for the elements to be coordinated (see page 9-10, line 30 to page 11, line 10; a combined system of BGGSN and coordinates/associates the /charging information from GGSN and SGSN nodes). Thus, Kari's IMSI is included in the charging information, and a combined system of BGGSN and coordinates/associates the /charging information from GGSN and SGSN nodes.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

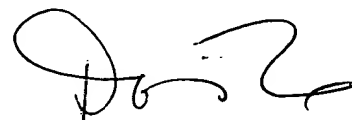
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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